

REMARKS

Claims 45-85 are pending. Claims 45, 82 and 83 are amended herewith. Claim 82 is amended merely to correct punctuation. Claim 48 is canceled without prejudice. Amendment of any claim herein is not to be construed as acquiescence to any of the rejections/objections set forth in the Office Action, and was done to expedite prosecution of the application. Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter. Support for these amendments appears throughout the specification and claims as filed. No new matter is introduced by these amendments.

Rejections under 35 U.S.C. § 102(e)

Claims 45-85 are rejected as allegedly being anticipated by Padlo et al. (US 7,235,250) and/or Pablo [sic] et al. (US 2004/007660). It is asserted in the Action that Padlo discloses a cleaning device having a fabric, wipe, or sponge which includes at least one enzyme, a surfactant and a humectant. Applicants traverse.

None of the Examples exemplified in Padlo disclose a composition containing an enzyme. More significantly, none of the Examples exemplify a composition comprising at least one enzyme, a surfactant and a humectant, as claimed. Applicants submit that there is simply no explicit teaching in Padlo of the specific combination of elements recited in Applicants' claimed subject matter in Padlo's cosmetic compositions. Nonetheless, Applicants have amended independent claims 45 and 83 to incorporate the claim element (supported throughout the application and claims as originally filed, including original claim 45) that the "enzyme is present as a solution or a suspension in an amount of 5 to 25 %w/w of the composition" and in claim 45 the claim element (supported throughout the application and claims as originally filed, including at page 5, lines 5-8) that "wherein contaminants on said instrument are removed or distributed by said cleaning device so as to enhance the speed and efficiency of enzyme digestion."

The amendment to claim 45 includes the specific range of enzyme by weight that is included in the cleaning composition of the present invention. Claim 83 has also been amended for consistency to include the specific range of enzyme by weight. The further amendment to claim 45 highlights the essential function of the enzyme in the composition of the present invention and has been amended to focus more clearly on a key object of the invention.

Applicants submit that the presently claimed invention is novel in view of Padlo as in the Padlo teaching an enzyme is not present in a solution or suspension in an amount of 5 to 25% w/w. Indeed, as noted in paragraph [0068] of Padlo as referred to by the Examiner, an enzyme is only optionally present in the personal care composition of this prior art as a mere benefit agent with no particular quantity indicated and serves no essential purpose in the invention. As indicated previously, none of the Examples of Padlo contain an enzyme, nor is one remotely required for a digestive cleansing function as used in the present invention. The personal care compositions described and exemplified in Padlo are cold creams, skin moisturisers, liquid foundation and such, which have no requirement for a cleansing action, and in fact would be unsuitable for endoscopic cleaning applications, and Padlo is devoid of any teaching of enzyme levels as recited by Applicants' claimed subject matter. Furthermore, the enzyme in the cleaning composition of the present invention is present in a specific quantity to necessarily perform an essential digestive cleansing function. The cleaning device of the present invention is designed such that the contaminants on an article cleaned by the device are distributed in such a way by so as to promote this enzyme digestion. This is simply not taught by Padlo.

In summary, each and every claim element of Applicants' claimed subject matter (as amended herewith) is not taught by Padlo. Based on at least the forgoing reasons, Applicants respectfully submit that the rejection be withdrawn.

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy. The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 64343NAT(70403).

Dated: May 14, 2010

Respectfully submitted,

Customer No. 21874

Electronic signature: /Jeffrey D. Hsi/
Jeffrey D. Hsi
Registration No.: 40,024
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 517-5569
Attorneys/Agents For Applicant